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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/744,784	01/26/2001	Hartmut Breuninger	1998CH017	5014

25255 7590 06/14/2005

CLARIANT CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
4000 MONROE ROAD  
CHARLOTTE, NC 28205

EXAMINER

ELHILO, EISA B

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/744,784

Applicant(s)

BREUNINGER ET AL.

Examiner

Eisa B. Elhilo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

- 1 This action is responsive to the amendment filed on March 29, 2005.
- 2 Objection to claim 37 is withdrawn because of the applicant's amendment.
- 3 Claims 12-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kayane et al. (US 4,548,612) in view of Yatake (US 5,560,770), for the reasons set forth in the previous office action mailed on June 29, 2004.

#### *Response to Applicant's Arguments*

- 4 Applicant's arguments filed 3/29/2005 have been fully considered but they are not persuasive.

With respect to the rejection of the claims based upon Kayane (US' 612) in view of Yatake (US' 770), Applicant argues that Kayane teaches the inability to store an aqueous reactive dye composition as discussed at column 1, lines 10-41 and the examination of Kayane reveals that in no instance does it disclose, teach or suggest an aqueous solution reactive dye composition, wherein the reactive dye composition is storable in an aqueous state. Applicant also argues that there is no motivation to combine the teachings of the references because Neither Kayane or Yatake teach, disclose or suggest an aqueous solution reactive dye composition, which is storable

The examiner respectfully, disagrees with the above arguments because Kayane (US' 612) as primary reference teaches clearly that the storage stability of the dyeing composition can be markedly improved by providing a dye composition comprising a difunctional reactive dye, a limited amount of a buffer and the pH value of an aqueous solution of the dye composition being within a specific range (see col. 1, lines 47-54). Thus, Kayane et al. (US' 612) improves the

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storage stability of the aqueous dyeing composition by limiting the amount of the buffer so that the pH of the aqueous solution of the dye composition being within the specific range. Further, Kayane teaches an aqueous dyeing composition (see col. 17-18, Examples 15 and 18) and wherein the dye composition can be prepared for example by mixing the dye in the form of an aqueous solution (see col. 3, lines 40-43) and wherein the dyeing composition further comprises urea as a conventional printing assistant (see col. 5, lines 3-4). Yatake (US' 770) as a secondary reference teaches the equivalence between urea and biurea (urea derivative) in an aqueous dyeing composition (see col. 3, lines 44-50), and wherein the urea derivatives improve the property of the composition (see col. 3, lines 46-48). Therefore, there is a sufficient motivation to one having ordinary skill in the art to combine the teachings of the references by substituting the urea component in the aqueous composition of Kayane with the biurea component in the aqueous composition of Katake with a reasonable expectation of success for improving the performance and the properties of the dyeing composition. Therefore, the prima facie case of obviousness has been established.

**§ THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

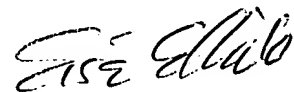
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -5:30) with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Eisa Elhilo  
Patent Examiner  
Art Unit 1751

June 9, 2005.